



ATTACHMENT B

INSTRUCTIONS FOR COMPLETING THE PRELIMINARY ENVIRONMENTAL SCREENING FOR NON-INFRASTRUCTURE PROJECTS [PES(NI)] FORM

The Preliminary Environmental Screening for Non-Infrastructure Projects [PES(NI)] form may only be used for local assistance federal-aid “**non-infrastructure**” projects ‘off’ the State Highway System (SHS). **The local agency may not proceed with any reimbursable activities prior to the project’s inclusion in a federally approved Federal Statewide Transportation Improvement Program (FSTIP) and receipt of “Authorization to Proceed” notification from Caltrans. (See LAPM, Chapter 3, “Project Authorization,” Section 3.2).** Detailed instructions for completing the Preliminary Environmental Screening for Non-Infrastructure Projects [PES(NI)] form are provided below.

Complete the Project Information Section of the PES (NI) form as follows:

Federal-Aid Project No: (Federal Program Prefix-Project No., Agreement No.) Example: RPSTPLE 5017(020). Obtain federal-aid project number from your District Local Assistance Engineer (DLAE). This number is required in order for the District Local Assistance Environmental Generalist to process the PES(NI) form .

To: (Name and address of district local assistance engineer to whom project has been assigned)

From: (Name and address of local agency project engineer or manager)

Is the Project “ON” the SHS? Check “Yes” or “No.” If Yes, **STOP**, and contact the DLAE regarding the Departmental policy on local agency projects “on” the SHS. Based on information contained in the policy memo referenced below, local agency projects “on” the SHS are processed as State Highway Projects in accordance with procedures set forth in the *Caltrans Project Development Procedures Manual*.

Note: The current and long-standing policy is for the Department to be the California Environmental Quality Act (CEQA) lead agency for improvement projects “on” the SHS. The Department’s practice of acting as CEQA Lead for projects on the SHS is based on the Department’s statutory obligation to plan, design, construct, operate and maintain the SHS as well as its actual ownership of the SHS. Further, as owner of the right of way, the Department is the entity ultimately responsible for property stewardship of all resources within State right of way. This stewardship obligation cannot be delegated to others. This applies even if the project is financed by others.

In certain limited cases, and only when it is in the best interests of the State, the Department may delegate CEQA lead agency status to a local agency. Such delegations can only be made by the District Director. The District Director will provide a written justification for the delegation, which becomes the authorizing document for a cooperative agreement between the Department and the local agency. The delegation is then formalized through an executed written agreement, which outlines the roles and responsibilities of each party. These delegations are the exception rather than the rule.

For guidance on determining CEQA lead agency status on local agency projects on the SHS, see Departmental policy memo provided at:

http://www.dot.ca.gov/ser/downloads/memos/CEQA_Lead_Agency_24Jun04.pdf

Federal Statewide Transportation Improvement Program (FSTIP): Enter the current FSTIP approval date for the project, write the project description exactly as it appears in the FSTIP, and attach a copy of the approved FSTIP page (showing the project or group of projects) to the PES (NI) form.

The FSTIP information can be obtained from the MPO.

Note: The California FSTIP is a multi-year, statewide, intermodal program of transportation projects that is consistent with the statewide transportation plan and planning processes, metropolitan transportation plans, and Federal Transportation Improvement Programs (FTIPs). The purpose of the FSTIP is to ensure that federal transportation funding continues to flow into California as a result of complying with federal regulations pertaining to programming. The FSTIP is prepared by Caltrans in cooperation with the Metropolitan Planning Organizations (MPOs) and is approved by FHWA and FTA. The FTIPs/FSTIP contains all capital and non-capital transportation projects, or identified phases of transportation projects proposed for funding under the Federal



Transit Act and Title 23 of the United States Code including federally funded projects. The FSTIP must be financially constrained by year and include sufficient financial information to demonstrate that projects can be funded as programmed. Only projects with funds that are reasonably expected to be available may be programmed in the FSTIP.

Construction Programming for FSTIP: Identify the fiscal year and dollar amount programmed in the current FSTIP under the construction phase. *Note: In accordance with DLA-OB 11-08 – Authorization of Non-Infrastructure Projects Office of Project Implementation (June 24, 2011), federal authorization to proceed for NI projects will be processed under the “Construction” phase. Most NI projects are programmed in the FTIP/FSTIP as “Grouped” projects, also known as “Lump-sum” projects. As such, they are traditionally programmed in the “Construction” phase. NI projects that are individually listed in the FTIP/FSTIP shall also be programmed under Construction.*

Complete Section A of the PES (NI) Form:

Check “Yes”, “No” or “TBD” as appropriate for each question. Use “TBD” when there is insufficient information available to provide a definitive “Yes” or “No” response. List all “TBD” items on the PES (NI) Continuation Sheet and research as needed to affirm a “Yes” or “No” response. Based on research results, change all “TBD” responses to either “Yes” or “No” responses as appropriate. One or more “Yes” responses requires preparation of the regular PES. All “TBD” items must have a definitive “Yes” or “No” response prior to the local agency signature on the PES (NI) form. If additional space is not needed for the project description and there are no “TBD” items requiring further research, it is not necessary to include the Continuation sheet with the signed PES(NI) form.

Note(1): Questions 16-21 pertain to indoor and outdoor activities, which have the potential to generate temporary noise and traffic congestion, reduce available parking, temporarily affect access to properties and roadways, and disrupt the quietude of neighborhoods. While activities of this nature are typically regulated by city and county use permit, the terms and conditions of those permits are not known until after the NEPA document is approved. For this reason, a “yes” response to these questions triggers the preparation of a regular PES form to insure consideration of and compliance with the provisions of Sec 4(f) 49 U.S.C. 303), (23 CFR 771.111(h)(2)(iii) impacts on abutting properties, U.S. DOT Order Title VI disrupt neighborhoods/communities, and E.O. 12898 (on Environmental Justice) disproportionate adverse environmental impacts on minority or low-income populations.

Note(2): Questions 24-28 pertain to the development of plans and programs of action. Because SAFETEA-LU mandates the early consideration of environmental resources during planning, all proposed Plans and Programs must be carefully reviewed to insure that they do not involve major decisions that would lead to irretrievable commitment of resources, present or future construction, or ground disturbance before they are fully evaluated under federal environmental law (e.g., Section 7 and Section 106) (23 CFR 771.111(f)(3)). Plans and programs involving decisions of this nature may not be processed with the PES(NI). Completion of the regular PES form will be required.

Complete Section B of the PES (NI) Form: (PRELIMINARY NEPA CLASS OF ACTION)

Complete the **NEPA Class of Action** section by placing a check mark next to Categorical Exclusion (CE) under SAFETEA-LU Section 6004 (23 U.S.C. 326) and identify the specific activity that is most applicable for the action. In cases where the project does not qualify under Section 6004, check Section 6005(23 U.S.C. 327).

Complete the **Unusual Circumstances** section by placing a check mark in the box preceding each bulleted item to affirm that action will not result in impacts, controversy or inconsistencies as specified.

Complete the **Compliance with other Federal Environmental requirements** section by placing a check mark in the box preceding each resource listed to affirm the statement.

Complete the Signatory Section of the PES (NI) Form:

The **Local Agency Project Engineer’s** signature means that the PES(NI) form was prepared by them or under their direct supervision and that the screening concluded that the project is of a non-infrastructure nature, involving no disruption to the ground or natural environment.

The **Caltrans District Senior Environmental Planner (or Designee) and DLAE** signatures mean that they concur that the project involves no disturbance to the ground or natural environment, that the action(s) is/are covered under Attachments C and D, that the recommended NEPA Class of Action is a CE pursuant to NEPA, and that the project is in compliance with all other applicable environmental laws, regulations and Executive orders.

Distribution: The original signed PES(NI) form and Attachments C and D shall be maintained in the DLAE’s project file. A copy of the signed PES(NI) form with Attachments C and D shall be retained by the Local Agency Project Manager and the District SEP (*or designee*) for the project file.